

Art Unit: 3735

This action is being repeated because the prior action incorrectly amended claim 192. The amendment should have been to claim 191. Laura Johnson phoned the examiner on 1/26/2009 to report the error.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Laura Johnson on December 8, 2008.

The application has been amended as follows:

In claim 99, line 12, after the word sensor, the words – to determine the stability – have been added.

This change was made because the Shin reference determined stability and evaluates sensitivity, but does not evaluate sensitivity to determine stability.

In claim 191, line 12, after the word oxygen, the words – to determine the stability – have been added.

This change was made because the Shin reference determined stability and evaluates oxygen, but does not evaluate oxygen to determine stability.

The following is an examiner's statement of reasons for allowance:

Claims 85-92, 94-105, 176, 178-181, 183, 185-188, 190, 192-195 and 239-242 define over the art in that none of the art determines stability from sensitivity, as claimed.

Claims 93, 196-199, and 209-218 define over the art in that none of the art determines stability from the matched pair, as claimed.

Claims 177, 184, 191, 200-208, 219-238, and 243-246 define over the art in that none of the art determines stability from a level of oxygen, as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT L. NASSER whose telephone number is (571)272-4731. The examiner can normally be reached on m-f 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3735

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert L. Nasser Jr/
Primary Examiner
Art Unit 3735

RLN
January 26, 2009